

## Message Text

CONFIDENTIAL

PAGE 01 OECD P 17668 01 OF 05 081929Z

64

ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 AID-05

CEA-01 CIAE-00 COME-00 EB-07 EA-06 FRB-03 INR-07

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C O N F I D E N T I A L SECTION 01 OF 05 OECD PARIS 17668

E.O. 11652: GDS

TAGS: ENRG, OECD

SUBJECT: IEA: SUB-GROUP ON ENERGY R & D:

DRAFT GENERAL GUIDELINES CONCERNING  
INFORMATION AND INTELLECTUAL PROPERTY

1. SECRETARIAT HAS REQUESTED IEA MEMBERS TO FORWARD TO THE SECRETARIAT BY FRIDAY, JULY 18, 1975 THEIR COMMENTS, IF ANY, ON THE DRAFT GENERAL GUIDELINES CONCERNING INFORMATION AND INTELLECTUAL PROPERTY, CONTAINED IN THE DOCUMENT IEA/SLT(75)58 TRANSMITTED BELOW.

2. IF NECESSARY TO RESOLVE QUESTIONS RAISED BY THESE COMMENTS, A MEETING OF EXPERTS WILL BE CONVENED AT OECD HEADQUARTERS ON JULY 24 AND 25, 1975. ALL PARTICIPATING COUNTRIES WOULD BE INVITED TO SEND EXPERTS TO THIS MEETING. THE SECRETARIAT WILL ADVISE ON JULY 21 WHETHER THE EXPERTS MEETING IS TO TAKE PLACE.

BEGIN TEXT:

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PAGE 02 OECD P 17668 01 OF 05 081929Z

1. IT IS INTENDED THAT THE ATTACHED PAPER ON THE DRAFT GUIDELINES CONCERNING INFORMATION AND INTELLECTUAL PROPERTY WILL EVENTUALLY FORM AN ANNEX TO THE GUIDING PRINCIPLES FOR COOPERATION IN THE FIELD OF RESEARCH AND DEVELOPMENT CONTAINED IN DOCUMENT IEA/SLT(75)56. THE DRAFT REQUIRES FURTHER DEVELOPMENT BEFORE SUBMISSION TO THE SUB-GROUP ON R & D AND THE SLT, FOLLOWING WHICH IT IS EXPECTED TO BE TRANSMITTED TO THE GOVERNING BOARD FOR APPROVAL.

2. THIS PAPER IS NOW BEFORE THE GOVERNING BOARD FOR INFORMATION.

DRAFT GENERAL GUIDELINES CONCERNING INFORMATION AND INTELLECTUAL PROPERTY

1. AS REQUESTED BY THE SUB-GROUP ON ENERGY R & D, A SMALL GROUP OF EXPERTS CONVENED IN PARIS ON THE 2ND AND 3RD JUNE, 1975 TO DRAFT GUIDELINES CONCERNING INFORMATION AND INTELLECTUAL PROPERTY FOR CONSIDERATION AND ADOPTION BY THE SUB-GROUP. THE RESULT OF THIS MEETING WAS A DRAFT FORWARDED TO THE SUB-GROUP DATED 6TH JUNE, 1975 AND IDENTIFIED AS IEA/WP(75)5(FINAL), ANNEX.

2. THIS DRAFT, ALTHOUGH MAKING SUBSTANTIAL PROGRESS IN DEVELOPING INTELLECTUAL PROPERTY GUIDELINES, WAS NEVERTHELESS INCOMPLETE, REQUIRED REFINEMENT AND LEFT MAJOR ISSUES UNSOLVED. FOR EXAMPLE, THE DRAFT ADDRESSED ITSELF PRIMARILY TO SPECIAL JOINT PROJECTS AND DID NOT COVER MORE LIMITED FORMS OF COOPERATION, AS EXCHANGES OF INFORMATION AND SCIENTIFIC PERSONNEL. THE DRAFT ALSO HAD SOME AMBIGUITIES CAUSED BY THE LACK OF A CLEAR DISTINCTION BETWEEN THE PARTICIPANT, THE GOVERNMENT OF A PARTICIPANT, THE COUNTRY OF A PARTICIPANT, AND THE NATIONALS OF A PARTICIPATING COUNTRY. FINALLY, THE DRAFT LEFT UNRESOLVED THE ISSUES OF WHAT, IF ANY, RIGHTS WOULD BE GRANTED TO NON-PARTICIPATING IEA COUNTRIES AND WHAT LEVEL OF RIGHTS EACH PARTICIPATING COUNTRY WOULD RECEIVE IN ITS OWN TERRITORY.

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PAGE 03 OECD P 17668 01 OF 05 081929Z

3. ON 18TH JUNE, 1975 A FEW OF THE EXPERTS (FROM THE UNITED KINGDOM, GERMANY AND THE UNITED STATES) OF THE GROUP THAT MET IN PARIS MET INFORMALLY IN WASHINGTON TO ATTEMPT TO SEEK A RECOMMENDATION THAT WOULD COMPLETE AND REFINE THE DRAFT OF 6TH JUNE, 1975, AND RESOLVE THE ISSUES OF RIGHTS TO PARTICIPATING AND NON-PARTICIPATING COUNTRIES. THE ATTACHED DRAFT IS THE RESULT OF THAT INFORMAL MEETING.

4. IN GENERAL, IT IS BELIEVED THAT THE ATTACHED INFORMAL DOCUMENT FOLLOWS IN SPIRIT AND IN SUBSTANCE THE 6TH JUNE, 1975 DRAFT, AND DIFFERS ONLY IN THAT IT PROVIDES MORE CONSISTENT LANGUAGE THROUGHOUT THE DOCUMENT. IN ADDITION, THE THIRD ALTERNATIVE C IS PROVIDED WHICH IS BELIEVED TO BE AN ACCEPTABLE COMPROMISE TO ALTERNATIVE A AND ALTERNATIVE B OF THE 6TH JUNE, 1975 DRAFT. THE FOLLOWING IS A SUMMARY OF THE RIGHTS TO ARISING

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PAGE 01 OECD P 17668 02 OF 05 081922Z

64

ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 AID-05

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C O N F I D E N T I A L SECTION 02 OF 05 OECD PARIS 17668

INTELLECTUAL PROPERTY THAT IS PROVIDED IN THE THREE ALTERNATIVES.

ALTERNATIVE A

EACH PARTICIPATING IEA COUNTRY WILL HAVE:

- THE RIGHT TO LICENSE MANUFACTURE AND SALE WITHIN

ITS OWN COUNTRY;

- OTHER RIGHTS TO MANUFACTURE AND SALE WILL BE BY AGREEMENT AMONG THE PARTICIPANTS.

EACH NON-PARTICIPATING IEA COUNTRY WILL HAVE:

- RIGHTS ONLY AS AGREED TO BY THE PARTICIPANTS.

#### ALTERNATIVE B

EACH PARTICIPATING IEA COUNTRY WILL HAVE:

- THE RIGHT TO LICENSE ITS OWN NATIONALS FOR MANUFACTURE AND SALE THROUGHOUT THE WORLD, ALBEIT ON PAYMENT OF A ROYALTY IN CERTAIN

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PAGE 02 OECD P 17668 02 OF 05 081922Z

COUNTRIES.

EACH NON-PARTICIPATING COUNTRY WILL HAVE:

- THE SAME RIGHTS AS PARTICIPATING COUNTRIES, BUT ON PAYMENT OF A DIFFERENT ROYALTY.

#### ALTERNATIVE C

EACH PARTICIPATING IEA COUNTRY WILL HAVE:

- IN ITS OWN COUNTRY, EXCLUSIVE RIGHTS TO LICENSE MANUFACTURE AND NON-EXCLUSIVE RIGHTS TO LICENSE SALES;
- IN ALL OTHER PARTICIPATING COUNTRIES, NON-EXCLUSIVE RIGHTS TO GRANT LICENSES FOR SALES, ALBEIT ON PAYMENT OF A ROYALTY TO BE AGREED TO AMONG THE PARTICIPANTS;
- ALL RIGHTS OUTSIDE THE TERRITORIES OF PARTICIPATING COUNTRIES WILL BE AGREED AMONG THE PARTICIPANTS.

EACH NON-PARTICIPATING COUNTRY WILL HAVE:

- IN ORDER TO MEET THEIR ENERGY NEEDS, THE RIGHT TO LICENSE MANUFACTURE AND SALE IN THEIR OWN COUNTRY ON TERMS THAT ARE EQUITABLE TO THE PARTICIPANTS.

5. ALTERNATIVES A AND B REPRESENT TWO EXTREME POSITIONS IN RESOLVING BASIC ISSUES REGARDING THE ENCOURAGEMENT OF PARTICIPATION FOR COUNTRIES TO JOIN THE IEA AND FOR ENCOURAGING IEA MEMBER COUNTRIES AND THEIR INDUSTRIES TO JOIN IN ACTIVE PARTICIPATION OF SPECIAL IEA PROJECTS. ALTERNATIVE A PLACES TOTAL CONTROL OF INTELLECTUAL PROPERTY TO EACH PARTICIPANT IN ITS OWN COUNTRY. THE RESULT OF THIS ALTERNATIVE WOULD GIVE MAXIMUM INCENTIVES TO IEA MEMBER COUNTRIES TO JOIN SPECIFIC IEA PROJECTS BECAUSE NO RIGHTS ARE GUARANTEED TO NON-PARTICIPATING IEA COUNTRIES. THE DISADVANTAGE OF THIS APPROACH IS THAT NON-PARTICIPATING IEA MEMBER COUNTRIES ARE PLACED IN THE SAME POSITION AS ALL OTHER COUNTRIES AND, THEREFORE, PROVIDES NO INCENTIVES FOR COUNTRIES TO JOIN THE IEA. ALTERNATIVE A ALSO HAS THE ADVANTAGE THAT EACH PARTICIPANT WOULD HAVE

TOTAL CONTROL OF INTELLECTUAL PROPERTY IN ITS OWN  
COUNTRY, THEREBY PRESENTING COUNTRIES WITH SUPERIOR  
MARKETING POWER FROM DOMINATING A MARKET WITHIN A PARTI-  
CIPANT'S COUNTRY. THE CORRESPONDING DISADVANTAGE, HOW-  
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 OECD P 17668 02 OF 05 081922Z

EVER, IS THAT THE MARKET OF EACH PARTICIPANT WOULD BE  
DENIED TO THE OTHER PARTICIPANTS AND THE FREE FLOW OF  
GOODS AND SERVICES ACROSS NATIONAL BOUNDARIES WOULD BE  
ADVERSELY AFFECTED.

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PAGE 01 OECD P 17668 03 OF 05 081933Z

64

ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 FEA-01

ERDA-05 AID-05 CEA-01 CIAE-00 CIEP-01 COME-00 DODE-00

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C O N F I D E N T I A L SECTION 03 OF 05 OECD PARIS 17668

6. THE OPPOSITE APPROACH IS TAKEN IN ALTERNATIVE B,

WHERE ALL PARTICIPANTS WOULD HAVE AN EQUAL RIGHT TO MANUFACTURE AND SELL IN ALL COUNTRIES OF THE WORLD, AND ALL NON-PARTICIPATING IEA MEMBER COUNTRIES WOULD ALSO HAVE A RIGHT TO MANUFACTURE AND SELL IN ALL COUNTRIES OF THE WORLD. THIS APPROACH WOULD PROVIDE MAXIMUM INCENTIVES FOR COUNTRIES TO JOIN THE IEA, AS THEY WOULD BE GUARANTEED LICENSE RIGHTS TO THE WORK PRODUCT OF ALL PRODUCTS. MINIMUM INCENTIVES, HOWEVER, WOULD BE PROVIDED FOR IEA MEMBERS TO INVEST THE REQUIRED CAPITAL TO PARTICIPATE IN SPECIAL PROJECTS, THEREBY ENCOURAGING SUCH MEMBERS TO AWAIT FOR OTHERS TO DO SO. THE ONLY DIFFERENCE BETWEEN PARTICIPANTS AND NON-PARTICIPATING IEA MEMBERS WOULD BE THE AMOUNT OF ROYALTY TO BE PAID FOR LICENSE RIGHTS. ALTERNATIVE B ALSO PROVIDES UNRESTRICTED ACCESS TO WORLD MARKETS AND WOULD PLACE COUNTRIES WITH DOMINANT MARKETING CAPABILITIES IN A PREFERRED POSITION

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PAGE 02 OECD P 17668 03 OF 05 081933Z

EVEN IN A PARTICIPANT'S OWN COUNTRY.

7. IN VIEW OF THE FACT THAT IT WAS BELIEVED THAT THE POSITIONS SET FORTH IN ALTERNATIVES A AND B, ALTHOUGH HIGH-LIGHTING THE POLICY ISSUES WERE TOO EXTREME TO FIND ACCEPTANCE BY THE IEA MEMBER COUNTRIES, ALTERNATIVE C WAS DEVELOPED IN AN ATTEMPT TO ARRIVE AT AN ACCEPTABLE COMPROMISE WHICH WOULD PROVIDE INCENTIVES FOR BOTH JOINING THE IEA AND FOR ENCOURAGING IEA MEMBERS TO PARTICIPATE IN SPECIAL PROJECTS. ALSO, ALTERNATIVE C WAS DESIGNED TO PROVIDE SOME ADVANTAGES TO A PARTICIPANT IN UTILIZING INTELLECTUAL PROPERTY IN ITS OWN COUNTRY, WITHOUT BLOCKING INTERNATIONAL TRADE. ACCORDINGLY, ALTERNATIVE C PERMITS EACH PARTICIPANT TO CONTROL THE MANUFACTURING OF INTELLECTUAL PROPERTY IN ITS OWN TERRITORY BUT ALLOWS EACH PARTICIPANT THE AUTHORITY TO SELL GOODS IN THE COUNTRIES OF ALL PARTICIPANTS. UNDER THIS ARRANGEMENT EACH PARTICIPANT COULD RESERVE THE MANUFACTURE OF GOODS AND THE PERFORMANCE OF PROCESSES IN ITS OWN COUNTRY TO ITS OWN INDUSTRY WHILE AT THE SAME TIME NOT BLOCKING OTHER PARTICIPANTS FROM SELLING IN THE COUNTRY OF EACH PARTICIPANT. ADDITIONALLY, ALTERNATIVE C GUARANTEES ALL NON-PARTICIPATING IEA COUNTRIES THE RIGHT TO MANUFACTURE AND SELL INTELLECTUAL PROPERTY IN ITS OWN TERRITORY IN ORDER TO FULFILL ITS OWN ENERGY NEEDS. THIS APPROACH PROVIDES SOME MEASURE OF GUARANTEED INCENTIVE FOR COUNTRIES TO JOIN THE IEA WHILE AT THE SAME TIME PLACING THE PARTICIPANTS IN A PREFERRED POSITION IN WORLD MARKETS, THUS ENCOURAGING PARTICIPATION IN IEA PROJECTS.

8. AFTER REVIEWING THE ABOVE ADVANTAGES AND DIS-

ADVANTAGES OF EACH OF THE ALTERNATIVES, THERE APPEARED TO BE GENERAL AGREEMENT OF THE R & D SUB-GROUP THAT ONLY THE COMPROMISE APPROACH OF ALTERNATIVE C COULD GAIN UNANIMOUS ACCEPTANCE BY THE IEA MEMBER COUNTRIES. THE ATTACHED DRAFT GENERAL GUIDELINES THEREFORE REFLECT ALTERNATIVE C.

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PAGE 03 OECD P 17668 03 OF 05 081933Z

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DRAFT ANNEX TO GUIDING PRINCIPLES FOR COOPERATION IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT

DRAFT GENERAL GUIDELINES CONCERNING INFORMATION AND INTELLECTUAL PROPERTY

I. GENERAL DISSEMINATION OF INFORMATION

1. THE PARTICIPATING COUNTRIES ANTICIPATE THAT THE PRESENT DECISION WILL RESULT IN A WIDE RANGE OF FORMS OF COOPERATIVE ACTIVITIES AMONG A VARIETY OF PARTICIPANTS. IMPLEMENTING AGREEMENTS BETWEEN PARTICIPANTS IN PARTICULAR COOPERATIVE ACTIVITIES SHOULD SUPPLEMENT THE GUIDING PRINCIPLES WITH MORE DETAILED PROVISIONS CONCERNING THE DISSEMINATION OF SCIENTIFIC AND TECHNICAL INFORMATION AND RIGHTS TO INTELLECTUAL PROPERTY. IT IS UNDERSTOOD THAT SUCH AGREEMENTS MUST BE DEVELOPED WITH REGARD TO THE SPECIAL CIRCUMSTANCES OF EACH COOPERATIVE ACTIVITY, BUT THE FOLLOWING GUIDING PRINCIPLES SHOULD BE FOLLOWED.
2. PARTICIPANTS IN A COOPERATIVE ACTIVITY UNDER AN IMPLEMENTING AGREEMENT SHOULD SUPPORT THE WIDEST

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PAGE 01 OECD P 17668 04 OF 05 081933Z

64

ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 AID-05

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C O N F I D E N T I A L SECTION 04 OF 05 OECD PARIS 17668

POSSIBLE DISSEMINATION OF INFORMATION TO ALL IEA COUNTRIES, SUBJECT ONLY TO THE NEED FOR PROTECTING INTELLECTUAL PROPERTY(1). IMPLEMENTING AGREEMENTS SHOULD THEREFORE PROVIDE FOR APPROPRIATE ARRANGEMENTS FOR THE ACTIVE DISSEMINATION OF SUCH INFORMATION TO IEA COUNTRIES ACCORDING TO ARTICLE VII(A) OF THE GUIDING PRINCIPLES. THIS POLICY SHOULD BE APPLIED IN RELATION TO COOPERATIVE ACTIVITIES FOR INDUSTRIAL AND COMMERCIAL APPLICATIONS, SUCH AS CONSORTIA, AS WELL AS TO PURELY SCIENTIFIC FORMS OF COOPERATION.

(1) THIS COMPRISES PATENTED INVENTIONS, OR INFORMATION COVERED BY OTHER FORMS OF LEGAL PROTECTION, AS WELL AS PROPRIETARY INFORMATION APPROPRIATELY MARKED WHICH IS NOT YET PATENTED OR IS NOT PATENTABLE BUT IS SUBJECT TO PROPERTY RIGHTS OR TO COMMERCIAL OR OTHER RESTRICTIONS OF A CONTRACTUAL, CUSTOMARY OR LEGAL NATURE.

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PAGE 02 OECD P 17668 04 OF 05 081933Z

II. FOR EXCHANGES OF INFORMATION AND JOINT MEETINGS  
3. WITH RESPECT TO INTELLECTUAL PROPERTY GENERATED AS A DIRECT RESULT OF EXCHANGES OF INFORMATION IN A SPECIFIED FIELD BETWEEN PARTICIPANTS, IT WILL BE DIFFICULT IN MANY CASES TO IDENTIFY SPECIFIC INFORMATION USED TO GENERATE SUCH PROPERTY AS WELL AS THE ORIGIN OF



THE INFORMATION USED. HOWEVER, TO THE EXTENT SUCH PROPERTY CAN BE IDENTIFIED:

- THE GENERATING PARTICIPANT OR ITS GOVERNMENT, WHERE APPROPRIATE, SHALL DETERMINE THE ALLOCATION OF ALL RIGHTS TO SUCH INTELLECTUAL PROPERTY IN ALL COUNTRIES, SUBJECT TO A NON-EXCLUSIVE LICENSE TO THE PARTICIPANT WHICH SUPPLIED THE INFORMATION USED AND, WHERE APPROPRIATE, TO ITS GOVERNMENT AND THE NATIONALS DESIGNATED BY IT IN ALL COUNTRIES OTHER THAN THE COUNTRY OF THE GENERATING PARTICIPANT.

III. FOR EXCHANGES OF SCIENTISTS OR OTHER EXPERTS

4. WITH RESPECT TO INTELLECTUAL PROPERTY GENERATED AS A DIRECT RESULT OF VISITS AND EXCHANGES OF SCIENTISTS OR OTHER EXPERTS BETWEEN PARTICIPANTS:

- THE PARTICIPANT OR ITS GOVERNMENT, WHERE APPROPRIATE, RECEIVING THE SCIENTISTS OR EXPERTS SHALL DETERMINE THE ALLOCATION OF ALL RIGHTS TO SUCH INTELLECTUAL PROPERTY IN THE COUNTRY OF THE RECEIVING PARTICIPANT AND IN ALL THIRD COUNTRIES, SUBJECT TO A NON-EXCLUSIVE LICENSE TO THE PARTICIPANT SENDING THE SCIENTISTS OR EXPERTS AND, WHERE APPROPRIATE, ITS GOVERNMENT AND NATIONALS DESIGNATED BY IT IN SUCH THIRD COUNTRIES.
- THE PARTICIPANT OR ITS GOVERNMENT, WHERE APPROPRIATE, SENDING THE SCIENTISTS OR THE EXPERTS SHALL DETERMINE THE ALLOCATION OF ALL RIGHTS TO SUCH INTELLECTUAL PROPERTY IN THE COUNTRY OF THE SENDING PARTICIPANT.

IV. FOR SPECIAL JOINT PROJECTS AND PROGRAMS

A. USE OF PRE-EXISTING INTELLECTUAL PROPERTY FOR THE PURPOSE OF COOPERATIVE ACTIVITIES

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PAGE 03 OECD P 17668 04 OF 05 081933Z

5. INTELLECTUAL PROPERTY WHICH IS IN THE POSSESSION OF OR OWNED OR OTHERWISE CONTROLLED BY A PARTICIPANT AND ITS GOVERNMENT, WHERE APPROPRIATE, AT THE COMMENCEMENT OF THE COOPERATIVE ACTIVITY AND WHICH IS NEEDED FOR THE PURPOSE OF THE COOPERATIVE ACTIVITY SHOULD BE MADE AVAILABLE TO THE OTHER PARTICIPANTS, AND, WHERE APPROPRIATE, TO THE GOVERNMENTS OF OTHER PARTICIPANTS AND TO THEIR PRIME OR SUBCONTRACTORS FOR USE IN THE COOPERATIVE ACTIVITY ONLY. THIS OBLIGATION DOES NOT CONCERN, OBVIOUSLY, INFORMATION WHICH IS NOT FREELY AT THE DISPOSAL OF THE PARTICIPANT AND WHICH HE CANNOT TRANSMIT BECAUSE OF CONTRACTUAL OR LEGAL LIMITATIONS.

6. A PARTICIPANT AND ITS GOVERNMENT CONTRIBUTING PRE-

EXISTING INFORMATION AND/OR INTELLECTUAL PROPERTY FOR THE PURPOSE OF THE COOPERATIVE ACTIVITY SHOULD NORMALLY BE GIVEN RECOGNITION OF THIS CONTRIBUTION, ON TERMS AND CONDITIONS TO BE DEFINED BY OR PURSUANT TO THE IMPLEMENTING AGREEMENT.

B. USE OF PRE-EXISTING INTELLECTUAL PROPERTY FOR PURPOSES OTHER THAN THE COOPERATIVE ACTIVITIES  
7. IN MOST CASES, COOPERATIVE ACTIVITIES WOULD INCLUDE PRE-EXISTING INTELLECTUAL PROPERTY, THE DETAILED TREATMENT OF WHICH CAN ONLY BE AGREED ON A CASE-BY-CASE BASIS, IN VIEW OF THE COMPLEXITY OF THE FACTORS TO BE TAKEN INTO ACCOUNT. HOWEVER, THE FOLLOWING PRINCIPLES

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PAGE 01 OECD P 17668 05 OF 05 081946Z

64

ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 AID-05

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C O N F I D E N T I A L SECTION 05 OF 05 OECD PARIS 17668

SHOULD BE FOLLOWED:

- ARRANGEMENTS SHOULD BE AGREED FOR RESPECTING PRE-EXISTING INTELLECTUAL PROPERTY BY ALL RECIPIENTS INCLUDING THE MAINTAINING OF PROPRIETARY INFORMA-

TION IN CONFIDENCE;

- STEPS SHOULD BE TAKEN TO RESTRICT FURTHER DISSEMINATION OF PROPRIETARY INFORMATION WITHOUT AGREEMENT OF THE ORIGINATING PARTICIPANT;
  - EACH PARTICIPANT, AND, WHERE APPROPRIATE, ITS GOVERNMENT AND NATIONALS DESIGNATED BY IT SHOULD BE GRANTED A NON-EXCLUSIVE LICENSE IN THE COUNTRIES OF ALL PARTICIPANTS FOR USE AS DETERMINED BY THE IMPLEMENTING AGREEMENT AND ON TERMS AND CONDITIONS AGREED TO ON AN EQUITABLE BASIS RELATED TO THE SHARING OF OBLIGATIONS, CONTRIBUTIONS, RIGHTS AND BENEFITS OF THE PARTICIPANTS AND THEIR GOVERNMENTS.
  - USE OF SUCH PROPERTY BY THE PARTICIPANTS IN THE TERRITORY OF OTHER COUNTRIES SHOULD BE DETERMINED
- CONFIDENTIAL

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PAGE 02 OECD P 17668 05 OF 05 081946Z

BY AGREEMENT BETWEEN THE PARTICIPANTS OR THEIR GOVERNMENTS, WHERE APPROPRIATE, ON AN EQUITABLE BASIS RELATED TO THE SHARING OF OBLIGATIONS, CONTRIBUTIONS, RIGHTS AND BENEFITS OF THE PARTICIPANTS AND THEIR GOVERNMENTS;

- OTHER IEA COUNTRIES, IN ORDER TO MEET THEIR ENERGY NEEDS, WILL HAVE THE RIGHT TO A NON-EXCLUSIVE LICENSE IN THEIR OWN COUNTRY ON TERMS THAT ARE EQUITABLE TO THE PARTICIPANTS.

C. RIGHTS IN INTELLECTUAL PROPERTY RESULTING FROM THE COOPERATIVE ACTIVITIES

8. IN MOST CASES, COOPERATIVE ACTIVITIES WILL GENERATE INTELLECTUAL PROPERTY, THE DETAILED TREATMENT OF WHICH CAN ONLY BE AGREED ON A CASE-BY-CASE BASIS, IN VIEW OF THE COMPLEXITY OF THE FACTORS TO BE TAKEN INTO ACCOUNT. HOWEVER, THE FOLLOWING PRINCIPLES SHOULD BE FOLLOWED:

- ARRANGEMENTS SHOULD BE AGREED FOR APPROPRIATE DISSEMINATION OF PROPRIETARY INFORMATION RESULTING FROM THE COOPERATIVE ACTIVITY;
- STEPS SHOULD BE TAKEN FOR ENSURING APPROPRIATE PROTECTION OF ARISING INTELLECTUAL PROPERTY;
- EACH PARTICIPANT OR ITS GOVERNMENT, WHERE APPROPRIATE, SHOULD BE GRANTED THE EXCLUSIVE RIGHT TO LICENSE THE MANUFACTURING OF A PRODUCT OR USE OF A PROCESS IN ITS OWN COUNTRY(1), AND A NON-EXCLUSIVE RIGHT TO LICENSE THE SALE OF PRODUCTS IN THE COUNTRIES OF ALL PARTICIPANTS ON TERMS AND CONDITIONS TO BE AGREED TO ON AN EQUITABLE BASIS RELATED TO THE SHARING OF OBLIGATIONS, CONTRIBUTIONS, RIGHTS AND BENEFITS OF THE PARTICIPANTS AND THEIR GOVERNMENTS;
- USE OF SUCH PROPERTY BY THE PARTICIPANTS IN THE TERRITORY OF OTHER COUNTRIES SHOULD BE DETERMINED BY AGREEMENT BETWEEN THE PARTICIPANTS OF THEIR

GOVERNMENTS, WHERE APPROPRIATE, ON AN EQUITABLE  
BASIS RELATED TO THE SHARING OF OBLIGATIONS,  
CONTRIBUTIONS, RIGHTS AND BENEFITS OF THE PARTICI-  
PANTS AND THEIR GOVERNMENTS;  
- OTHER IEA COUNTRIES, IN ORDER TO MEET THEIR ENERGY  
NEEDS, WILL HAVE THE RIGHT TO A NON-EXCLUSIVE  
LICENSE IN THEIR OWN COUNTRY ON TERMS THAT ARE  
CONFIDENTIAL

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PAGE 03 OECD P 17668 05 OF 05 081946Z

EQUITABLE TO THE PARTICIPANTS.

V. OTHER PROVISIONS

9. EACH PARTICIPANT WILL USE ITS BEST EFFORTS TO RESPECT  
INTELLECTUAL PROPERTY AND PROTECT PROPRIETARY INFORMATION  
IN ACCORDANCE WITH THE LAWS OF THEIR RESPECTIVE COUNTRY  
AND INTERNATIONAL LAW.

10. EACH PARTICIPANT TO A COOPERATIVE ACTIVITY SHALL  
PROVIDE ALL NECESSARY COOPERATION FROM ITS AUTHORS AND  
INVENTORS TO CARRY OUT THE PROVISIONS IN THE IMPLEMENTING  
AGREEMENT REGARDING INTELLECTUAL PROPERTY.

11. EACH PARTICIPANT OR ITS GOVERNMENT SHALL ASSUME  
THE RESPONSIBILITY TO PAY AWARDS OR COMPENSATION REQUIRED  
TO BE PAID TO ITS OWN NATIONALS ACCORDING TO ITS OWN  
LAWS.

12. SIMILAR PROVISIONS SHOULD BE INCLUDED IN  
IMPLEMENTING AGREEMENTS WITH RESPECT TO OTHER FORMS OF  
LEGAL PROTECTION SUCH AS TRADEMARKS, REGISTERED DESIGNS,  
AND COPYRIGHTS AS APPROPRIATE.

(1) THIS RIGHT SHOULD BE LIMITED ONLY TO FULL  
PARTICIPANTS.

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
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**Disposition Approved on Date:**  
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**Subject:** IEA: SUB-GROUP ON ENERGY R & D: DRAFT GENERAL GUIDELINES CONCERNING  
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